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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,854

09/12/2003

T. John Gordon

9463

7590

02/08/2006

Dennis Hawley  
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EXAMINER

BOTTS, MICHAEL K

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,854	GORDON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael K. Botts	2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on September 12, 2003.
2. Claims 1-5 have been examined, with claim 1 being the independent claims.
3. The Drawings are objected to.
4. Claims 1-5 are rejected.

### ***Drawings***

5. The drawings are objected to because of the following:
  - a) Figures 1-9, the lead lines are too long and cross one another. See, MPEP 608.02(q).
  - b) Figures 1-9, the drawing quality is such that the figures are not clear and would not reproduce adequately if published. See, MPEP 608.02.
  - c) The element identification numbers are not near the elements that they designate. See, MPEP 608.02.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

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where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the drawings are unclear and the lead lines are too long and cross each other and the numbers are not close to the items which they designate. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement

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Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as “amended.” If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as “Annotated Sheet” and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the “Notice of Allowability.” Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung (U.S. Patent 5,159,685, issued October 27, 1992) [hereinafter "Kung"], in view of Haviv-Segal, et al. (U.S Patent Application Publication 2002/0049705 A1, filed May 1, 2001 and published April 25, 2002) [hereinafter "Haviv-Segal"].

Regarding **independent claim 1**, Kung in view of Haviv-Segal teaches:

*A method and apparatus for a document system comprising:*

- (a) providing a knowledge tree onto which links to user-selected information can be placed,*
- (b) providing a structured document where structure is provided by tags that define starting and ending points in the document,*
- (c) linking said knowledge tree and said structured document such that the information to which there are links in said knowledge tree can be inserted at a chosen place in said structured document, whereby a user can*
  - (1) select and insert information into the document as needed to quickly, completely and accurately create the document,*
  - (2) select information already in the document for inclusion or exclusion in the final document,*
  - (3) select information from a document and cause said information to be used in another document, and*
  - (4) define the level of granularity of the information that will be retained in the document according to perceived documentation needs.*

(Kung teaches a user interactive interface to an expert system, including posting to a display, retrieving a knowledge tree corresponding to the interface, instantiating the knowledge tree, and posting information from nodes of the knowledge tree to the display as each node is instantiated. See, Kung, col. 3, lines 31-49. Kung does not expressly teach the use of tags that define starting and ending points in the document.

Haviv-Segal teaches a knowledge tree with user selectable components able to be incorporated into a structured outline document. Further, Haviv-Segal teaches that the system is implemented using XML and tagged data that are assigned to selected nodes.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Kung and Haviv-Segal to result in a structured document into which information may be inserted via tags and links from a knowledge tree. Both Kung and Haviv-Segal involve the same art or manipulating knowledge tree information into a structured document. At the time Kung was filed, 1989, tagged hierarchical documents were not in common use. The only element missing from Kung to fully anticipate the present application is the use of tags. By the time Haviv-Segal was filed, tagged hierarchical documents were well known by one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate tags, as taught by Haviv-Segal, into the document creation process of Kung.



The suggestion or motivation to combine the references is obvious from the technological development of the art to use tagged data from hierarchical documents within data selection methods for purposes of speed and efficiency of data selection.

A level of granularity of the information is inherent from the subdivisions of the knowledge tree and the selections made. Whatever selections are made from the knowledge tree to be included in the document are inherently granular to some degree and any choice of data is therefore inherently a choice of granularity.)

Regarding **dependent claim 2**, Kung in view of Haviv-Segal teaches:

The method of Claim 1, further including providing means for inserting information linked in said knowledge tree by voice command.

(The rejection of claim 1 is incorporated herein by this reference. In addition, it is noted it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user interface by "voice command" as such was well known in the art as one or many options for a user to operate or control a computer. As an example of a common use of such interface, see, Godhor, et al., U.S. Patent 5,321,670, issued July 27, 1993, teaching voice input handling computer processes.)

Regarding **dependent claim 3**, Kung in view of Haviv-Segal teaches:

The method of Claim 1, further including providing means for inserting information linked in said knowledge tree by a mouse click or a series of mouse clicks.



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(The rejection of claim 1 is incorporated herein by this reference. In addition, it is noted it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user interface by "mouse click or a series of mouse clicks" as such was well known in the art as one or many options for a user to operate or control a computer. As an example of a common use of such interface, see, Warren, et al., U.S. Patent 5,632,022, issued May 20, 1997, teaching user interface with a computer through mouse clicks.)

Regarding **dependent claim 4**, Kung in view of Haviv-Segal teaches:

The method of Claim 1, further including providing means for inserting information linked in said knowledge tree by a keyboard stroke or a series of keyboard strokes.

(The rejection of claim 1 is incorporated herein by this reference. In addition, it is noted it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user interface by "keyboard stroke or a series of keyboard strokes" as such was well known in the art as one or many options for a user to operate or control a computer. As an example of a common use of such interface, see, Bertram, et al., U.S. Patent 5,790,118, issued August 4, 1998, teaching user interface with a computer through a keyboard.)

Regarding **dependent claim 5**, Kung in view of Haviv-Segal teaches:

The method of Claim 1, further including providing means for inserting information linked in said knowledge tree by use of a touch screen.

(The rejection of claim 1 is incorporated herein by this reference. In addition, it is noted it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user interface by "keyboard stroke or a series of keyboard strokes" as such was well known in the art as one or many options for a user to operate or control a computer. As an example of a common use of such interface, see, Bertram, et al., U.S. Patent 5,790,118, issued August 4, 1998, teaching user interface with a computer through a touchscreen.)

8. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

### ***Conclusion***

9. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Jacobs, et al. (U.S. Patent 6,353,817 B1), teaching incorporation of data from a knowledge tree into a structured document.


Individuals associated with the filing or prosecution of a patent application are reminded of their obligations pursuant to 37 CFR 1.56. See generally, MPEP 2001 and subsections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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